

EEO COUNSELOR'S REPORT For use of this form see AR 690-600, the proponent agency is OSA.		1. DA DOCKET NUMBER ARDETROIT18MAY01583	
PRIVACY ACT STATEMENT (5 U.S.C. §552a)			
AUTHORITY: Public Law 92-261			
PRINCIPAL PURPOSE: Used for processing of complaints of discrimination because of race, color, national origin, religion, sex, age, physical and/or mental disability, or reprisal by Department of the Army civilian employees, former employees, applicants for employment and some contract employees.			
ROUTINE USES: Information will be used (a) as a data source for complaint information for production of summary descriptive statistics and analytical studies of complaints processing and resolution efforts; (b) to respond to general requests for information under the Freedom of Information Act; (c) to respond to requests from legitimate outside individuals or agencies (White House, Congress, Equal Employment Opportunity Commission) regarding the status of a complaint or appeal; or (d) to adjudicate complaint or appeal.			
DISCLOSURE: Voluntary, however, failure to complete all appropriate portions of this form may lead to delay in processing and/or rejection of complaint on the basis of inadequate data on which to continue processing.			
SECTION I - PRE-COMPLAINT INTAKE INTERVIEW			
2. NAME OF AGGRIEVED (Print-Last, First, Middle Initial) DaSilva, Jr., Joe		3. JOB TITLE Fire Fighter	
4. PAY PLAN/SERIES/ GRADE GS-0081-07	5. DUTY ORGANIZATION (Complete address including office symbol) USAG-Detroit Arsenal DES - Fire Division 6501 E. 11 Mile Road Warren, MI 48397-5000		
6. WORK TELEPHONE ()	7. HOME TELEPHONE ()	8. HOME ADDRESS ()	
9. DATE OF ALLEGED DISCRIMINATORY ACTION (YYYYMMDD) 20180403	10. 45 TH CALENDAR DAY AFTER EVENT (YYYYMMDD) 20180613	11. REASON FOR DELAYED CONTACT BEYOND 45 DAYS, IF APPLICABLE	
12. DATE OF INITIAL CONTACT WITH EEO OFFICIAL (YYYYMMDD) 20180429	13. 30 TH CALENDAR DAY AFTER INITIAL CONTACT WITH EEO OFFICIAL (YYYYMMDD) 20180529	14. 90 TH CALENDAR DAY AFTER INITIAL CONTACT WITH EEO OFFICIAL (YYYYMMDD) 20180728	15. DATE COUNSELING EXTENSION GRANTED, IF APPLICABLE (YYYYMMDD)
16. DATE PRE-COMPLAINT INTAKE INTERVIEW CONDUCTED (YYYYMMDD) 20180503		17. PRE-COMPLAINT INTAKE INTERVIEW CONDUCTED: <input type="checkbox"/> Telephonically <input checked="" type="checkbox"/> In-Person <input type="checkbox"/> Other (facsimile/e-mail)	
SECTION II - ORGANIZATION WHERE ALLEGED DISCRIMINATION OCCURRED (Complete address including office symbol)			
USAG-Detroit Arsenal DES - Fire Division 6501 E. 11 Mile Road Warren, MI 48397-5000			
SECTION III - RESPONDING MANAGEMENT OFFICIAL(S) INFORMATION (Include name, complete work address and phone number if known.)			
Martin Potter, Assistant Chief 6501 E. 11 Mile Road, Bldg 205 Warren, MI 48397-5000 <div style="background-color: black; width: 150px; height: 30px; margin-top: 10px;"></div>			

SECTION IV - BASIS OF COMPLAINT (Identify specific race, color, religion, national origin, disability, age, sex, or reprisal if alleged.)

☐ RACE _____ ☐ COLOR _____ SEX ☒ Male ☐ Female
☐ AGE _____ DATE OF BIRTH _____ ☒ NATIONAL ORIGIN Brazilian
☐ RELIGION _____ DISABILITY ☐ Mental _____ ☐ Physical _____
☐ REPRISAL _____
 (Date(s) of prior EEO activity)

SECTION V - MATTER (s) GIVING RISE TO COMPLAINT (Specify who, what, where, and when.) (Use additional sheet of paper if necessary.)

Was the aggrieved harassed (sexual) based on his sex (male) and National Origin (Brazilian) when unwanted sexual nature comments were made by Assistant Chief Martin Potter to include "how much do breast implants cost" and remarking that you should be able to wear a "B-cup bra"?

1. In December 2016, the aggrieved alleges that Mr. Potter verbalized to him, "If I become assistant chief, I will make sure you don't move up." This was said in front of other staff.
2. The aggrieved stated that he has changed shifts in order to avoid Chief Potter, although still has to work with him on some days. The aggrieved states when he informed his new supervisor, Mr. Mike Ball, of the harassment, Mr. Ball chooses to stay out of it. The alleged states that 10 of 11 people have left Chief Potter's team due to harassment issues.
3. The aggrieved states Chief Edwards is aware of this complaint and does not support him, states it is a simple misinterpretation. The aggrieved states Chief Edwards told him, "I don't like you, I just have to work with you."

SECTION VI - RELIEF SOUGHT

1) Behavior to stop; 2) A/C Chief Potter to either move out of his chain of command or be demoted so is his equal and no longer a block to his career; 3) Between 3 and 5 days of paid overtime; 4) To not have any shifts with Chief Potter

SECTION VII - RIGHTS AND RESPONSIBILITIES

THE AGGRIEVED WAS PROVIDED WITH THE AGGRIEVED PERSON'S RIGHTS AND RESPONSIBILITIES NOTICE AND WAS SPECIFICALLY ADVISED OF THE FOLLOWING:

- ☐ The basis (es) for filing pre-complaint, formal complaint, and/or class complaint, and of right to file a formal complaint of discrimination.
- ☐ The pre-complaint, formal and/or class complaint process.
- ☐ The 45-day calendar requirement from effective date of personnel action or of the date of the matter alleged to be discriminatory.
- ☐ The role of the EEO counselor, including that the counselor is not an advocate for either the aggrieved person or the agency and acts strictly as a neutral.
- ☐ The activity's Alternate Dispute Resolution (ADR) Program and right to elect either ADR (if offered) or traditional EEO counseling.
- ☐ The right to remain anonymous during the pre-complaint process.
- ☐ The right to representation throughout the complaint process.
- ☐ Responsibility of the aggrieved to notify the EEO office in writing of any change in address and/or phone number.
- ☐ Responsibility of the aggrieved to notify the EEO office in writing of non-attorney or attorney representation, including address and phone number.
- ☐ The possible election requirement between a negotiated grievance procedure, MSPB procedure and the EEO complaint process.
- ☐ The election options in age and wage-based discrimination complaints.

SECTION VIII - ELECTION OF REPRESENTATION

☐ ATTORNEY ☐ NON-ATTORNEY ☐ NON-REPRESENTATIVE

NAME OF REPRESENTATIVE

ADDRESS

TELEPHONE NUMBER

FAX

E-MAIL

SECTION IX - ALTERNATE DISPUTE RESOLUTION (ADR)

☒ Matter determined not appropriate for ADR

[Signature] 5-3-18
(Aggrieved must sign and date)

☐ Matter determined appropriate for ADR

(EEO Officer must initial and date)

☐ Wishes to participate in ADR, if offered

(EEO Officer must initial and date)

Date of written offer of ADR

Date of Agreement to Participate in ADR

Name of assigned ADR facilitator/mediator

Date ADR facilitator/mediator assigned

Result of ADR:

- ☐ ADR was successful. Negotiated settlement agreement, signed on _____ (YYYYMMDD), is attached.
- ☐ ADR was not successful. The aggrieved was issued a Notice of Right to File a Formal Complaint of Discrimination on _____ (YYYYMMDD) and notified of requirement to file a formal complaint within **15 calendar days** after receipt of Notice of Right to File. The aggrieved was provided a DA Form 2590, Formal Complaint of Discrimination.

SECTION X - TRADITIONAL EEO COUNSELING (EEO official to complete only those which apply.)

- ☐ Election of traditional counseling.
Name of assigned EEO counselor _____
Date EEO counselor assigned _____
- ☐ Election to remain anonymous.
- ☐ Election to waive right to remain anonymous.
- ☐ Declined to pursue matter under Title VII.

SECTION XI - WITNESS INQUIRY

a. Witness Information (List all witness data here. Number sequentially and include name, title, organization, phone number, and relevant basis(es) information.)

Assistant Chief Lesley (Jerome) Tillman:
 Assistant Chief for Training/Prevention
 Installation Management Command, Sustainment Directorate
 USAG Detroit Arsenal, Building 205, Room 1B049-0
 6501 E. 11 Mile Rd.
 Warren, MI 48397
 586-282-5824 (w), [REDACTED]

David L. Ferris:
 Fire Fighter/EMT
 Installation Management Command
 U.S. Army Garrison - Detroit Arsenal, Building 205,
 Room 1C237-0, MS 137
 6501 E. 11 Mile Rd. Warren, MI 48397
 586-282-6448 (w)

b. Witness Statements

1. Assistant Chief Lesley (Jerome) Tillman:

Meet with Assistant Chief Jerome Tillman at the EEO office on 5/18/18. Mr. Tillman stated that on the morning of 03 April 2018 he was in the firehouse kitchen and heard Chief Potter state to Mr. DaSilva "Joe you know how much breast implants cost, don't you?" Mr. Tillman is unsure if other's heard the statement. When asked if anything led up to this incident, Mr. Tillman stated there was a commercial for breast implants on the tv. Mr. Tillman left the kitchen after the incident and received a call from Mr. DaSilva the next day stating he was offended by the remark. Mr. Tillman contacted Chief Edwards the same day to inform him of the incident and was told by Chief Edwards to stay away from Mr. DaSilva and not talk to him. Mr. Tillman does not think any action took place as a result of this incident, as nothing was done. Mr. Tillman stated Chief Edwards was more focused on why DaSilva contacted Mr. Tillman about the incident.

Mr. Tillman stated he thinks Mr. DaSilva is being singled out by Chief Potter and Chief Edwards. Mr. Tillman stated he has been told by Chief Edwards on a few occasions since the 03 April 2018 incident to not talk to Mr. DaSilva. Mr. Tillman has not witnessed any other issues between Mr. DaSilva and Chief Potter, although disclosed he has had to change his schedule in order to prevent Mr. DaSilva and Chief Potter from working together. Mr. Tillman stated he has to work all week and weekend now and would rather be home with his family.

2. Firefighter David Ferris:

Receive an email response from Mr. Ferris on 5/25/18 and a copy of the email is in the file. Mr. Ferris stated he does not recall the event well, does recall Chief Potter mentioning something about Mr. DaSilva having breasts. Mr. Ferris stated he did not see the issue as something to report.

SECTION XI - WITNESS INQUIRY (Cont'd)**Witness Statements (Cont'd)****c. Documents Reviewed (List)**

Notes from initial interview between Mr. DaSilva and EEO
 Email from Mr. Ferris dated 5/25/18
 Emails from Mr. Tillman dated 5/18/18
 Email from Mr. Young dated 5/30/18

d. Reviewed Documents Revealed

- 1.
2. The aggrieved stated that he has changed shifts in order to avoid Chief Potter, although still has to work with him on some days. The aggrieved states when he informed his new supervisor, Mr. Mike Ball, of the harassment, Mr. Ball chooses to stay out of it. The alleged states that 10 of 11 people have left Chief Potter's team due to harassment issues.

SECTION XII - OUTCOME OF PRE-COMPLAINT INQUIRY

- ☒ Resolution was not accomplished, therefore, I conducted the final interview with aggrieved on 20180531 (YYYYMMDD) at which time I informed the aggrieved of the full scope of my inquiry and the reason(s) articulated by management for action(s) taken. I provided the aggrieved with a Notice of Right to File a Formal Complaint of Discrimination and a DA Form 2590, Formal Complaint of Discrimination. The aggrieved is aware of the requirement to file a formal complaint within 15 calendar days of the final interview if not satisfied with the results of my inquiry.
- ☐ Resolution was accomplished. Negotiated settlement agreement, signed on _____ (YYYYMMDD), is attached.

PRINTED NAME OF EEO COUNSELOR

Amy Dombrowski

SIGNATURE OF EEO COUNSELORDOMBROWSKI AMY.MARIE.1396384155 Digitally signed by DOMBROWSKI AMY.MARIE.1396384155
Date: 2018.05.31 11:41:57 -0400**Attachments:**

1. Extension of counseling (if applicable)
2. Copies of reviewed documents

DATE SUBMITTED TO EEO OFFICER
(YYYYMMDD)

20180531